



Our Reference: AMI-158-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Karl Van Blankenburg & Edward J. Belfour
Serial Number: 09/923,694
Filing Date: August 7, 2001
Examiner/Art Group Unit: Hau Van Phan/3618
Title: GOALIE SKATE PROTECTIVE SHELL WITH
REMOVABLE BLADE

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DECLARATION UNDER 37 C.F.R. §1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

I, Karl Van Blankenburg, do hereby declare that:

1. I am one of ordinary skill in the art of manufacturing ice skates. I am experienced and knowledgeable in the development of molds used for molding ice skate cowlings or protective shells as well as the engagement of an ice skating blade with an ice skate.
2. It would not have been obvious to combine the teachings of Reynolds, U.S. Patent No. 6,109,622, with the teachings of Graf, U.S. Patent No. 6,421,934, because of the complexities with envisioning a feasible design and in developing the tooling necessary to form the toe and heel portion integrally with respect to the blade holder. The toe and heel portions are formed in the mold with moveable inserts. These inserts move away from one another along the longitudinal axis of the sole of the shell when the skate is formed to define the inner surface of the cawling. The moveable inserts move toward one another along the longitudinal axis of the sole after the shell has been formed to be removed from the formed cawling. The blade holder is disposed beneath the sole and defines an open ended groove. The open ended groove is also formed by a moveable insert in the mold. The groove-forming insert moves generally perpendicular to the sole of the protective shell after the open ended groove has been formed. Therefore, the movements of the inserts that form the toe and heel portions and the movements of the groove-forming insert are not parallel or perpendicular to one another. This fact necessitated extensive development of the mold for forming the skate, development that was not taught or suggested by the ice skate art.

In particular, all of the prior art patents teach forming a replaceable blade holder as a separate component from the toe and heel portion of the skate cowling.

3. It would not have been obvious to combine the teachings of Reynolds, U.S. Patent No. 6,109,622, with the teachings of Graf, U.S. Patent No. 6,421,934, because of the inherent weakness in the skate created by a slot for receiving a replaceable blade. It is known in the art that forming the structure for supporting a replaceable blade generally weakens the strength of the skate. It is preferred in the art to mold a goalie skate around or integral with the blade to achieve the desired strength of the goalie skate. Specifically, the blade is inserted in the mold before molding of the goalie skate. Thus, the combination proposed by the Examiner would produce an extremely weakened goalie skate, particularly in the blade holder portion but also compromising the strength of the shell portion. The concern over skate strength is magnified in goalie skates because a goalie skate must be able to withstand the severe, repetitive impact of hockey pucks which strike both the blade holder portion and the shell portion. The goalie uses the goalie skates as blocking instruments and so the goalie skates will be subjected to numerous impacts in operation. Therefore, the problems relating to skate strength that are inherent in replaceable blade skates would have taught away from forming a goalie skate having heel and toe portions integral with a blade holder.

4. The development of my inventive ice skate took approximately six years and cost approximately \$250,000.00.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Karl Van Blankenburg

Karl Van Blankenburg

Date: 02/04/03